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FORT LAUDERDALE CITY COMMISSION  
DECEMBER 10, 2002**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION**

**CITY COMMISSION MEETING ROOM  
CITY HALL  
FORT LAUDERDALE, FLORIDA**

**DECEMBER 10, 2002**

Meeting was called to order at approximately 6:02 p.m. by Mayor Naugle on the above date.

Roll call showed:

Present: Commissioner Gloria Katz  
Commissioner Tim Smith  
Commissioner Carlton B. Moore (6:03 p.m.)  
Commissioner Cindi Hutchinson  
Mayor Jim Naugle

Absent: None

Also Present: City Manager, F. T. Johnson  
City Attorney, Harry Stewart  
City Clerk, Lucy Kisela  
Sergeant At Arms - Sergeant Spencer

Invocation was offered by Dr. Edward Schindeler, Spiritual Assembly of the Baha'is of Fort Lauderdale, followed by the recitation of the Pledge of Allegiance.

Commissioner Moore entered the meeting at approximately 6:03 p.m.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

**Presentations**

1. Expressions of Sympathy

The Mayor and City Commissioners presented an Expression of Sympathy to the family of Alan McLeod.

Commissioner Moore stated that Mr. McLeod was the Director of the LA Lee YMCA and his Wake would be held at 6:00 p.m. on December 11, 2002. In lieu of flowers donations should be made in Mr. McLeod's name to create a Scholarship Fund.

2. Demonstration of Smoke Detector

Commissioner Smith demonstrated the proper way to test a smoke detector.

3. RICK CASE BIKES FOR KIDS DAY

Vice-Mayor Hutchinson presented a proclamation to Rick Case for Rick Case Bikes For Kids Day which would be observed on December 10, 2002.

Mr. Rick Case thanked the Commission and Mayor for all their help over the years in connection with this program. He urged everyone who had old bikes to donate them so they could be distributed to underprivileged children.

4. Adopt-A-Pet Day

Vice-Mayor Hutchinson stated that today at City Hall an Adopt-A-Pet Day was held and 18 animals were adopted and given new homes. She suggested that possibly this program could be done quarterly and prevent animals from being put to sleep.

5. Outstanding Employees

The City Manager stated that the City would like to honor some of their outstanding employees.

Faye Outlaw, Acting Director of Community Development, presented the Employee of the Month Award to Silver Lee who was unable to attend tonight's meeting. She stated that she was being recognized for her outstanding attitude and job performance during the time she served as secretary for the Deputy Director's Office.

Assistant Chief Chuck Drago, Police Department, recognized Sharrice Blackmon as the Civilian Employee of the Month and Public Safety Aide for her actions above and beyond the call of duty.

Officers Edgar Cruz, Todd Jackson and Jorge Reyes were also recognized for their work in apprehending 6 violent felons during the months of July and August.

Chief Otis Latin, Fire-Rescue Department, recognized Lieutenant David M. Beckwith, Driver-Engineer Alfred W. Dow, and Firefighter/Paramedic Robert E. Soto for their rescue efforts on a 9/11 call on September 15, 2002.

Greg Kisela, Assistant City Manager, recognized Ernest Fuller, Paul Brown, and Carl Freeloove of the Public Services Department, along with Curtis Fillmore. Hugo Vargas and Albert Katzbar for their assistance in rescue efforts at the scene of a traffic accident.

6. Amistad America

Commissioner Moore thanked Pamela Adams for her leadership in the fund raising for this event. He then proceeded to read a letter sent to him from the staff, officers, and crew of the Amistad America, Inc. and presented a plaque to Mayor Naugle.

**Consent Agenda**

**(CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

**Event Agreement - Walk for Animals 2003****(M-1)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Humane Society of Broward County** to indemnify, protect, and hold harmless the City from any liability in connection with the **Walk for Animals 2003** to be held **Saturday, February 22, 2003 from 8:00 a.m. to 12:00 noon**; and further authorizing the closing of the following route: S.W. 4 Avenue from S.W. 2 Street to the cul-de-sac at Riverwalk from 5:00 p.m., Friday, February 21 to 3:00 p.m. Saturday, February 22, 2003; S.W. 2 Street from S.W. 4 Avenue to S.W. 5 Avenue from 4:00 a.m. to 3:00 p.m. Saturday, February 22; and two lanes along the walk route, in the form of a procession, from 10:00 a.m. to 11:30 a.m., beginning at the Esplanade, S.W. 2 Street east to S.E. 2 Avenue, south to the Riverwalk, where participants will continue west along the walkway to end at Esplanade.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1814 from City Manager.

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**Event Agreement - Superbowl Blow-Out****(M-2)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Las Olas Riverfront Associates Limited Partnership** to indemnify, protect, and hold harmless the City from any liability in connection with the **Superbowl Blow-Out** to be held **Sunday, January 26, 2003 from 5:00 p.m. to 11:00 p.m.**; and further authorizing the closing of S.W. 1 Avenue from S.W. 2 Street south to the alley between Las Olas Riverfront and Las Olas Park Place; from 11:00 a.m. on Sunday, January 26, 2003 to 5:00 a.m. on Monday, January 27, 2003.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1724 from City Manager.

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**Agreement - Dr. Chris Smith Run/Walk for Hope****(M-3)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Henderson Mental Health Center** to indemnify, protect, and hold harmless the City from any liability in connection with the **Dr. Chris Smith Run/Walk for Hope** to be held **Sunday, March 2, 2003 from 6:30 a.m. to 9:30 a.m.** at Beach Place; and further authorizing the closing of the following route beginning at 5:00 a.m. at Beach Place and going north in the westernmost northbound lane

**Funds** e of State Road A-1-A to N.E. 9 Street, turn around and proceed south in the easternmost southbound lane, following State Road A-1-A to The Oasis, turning around and proceeding north in westernmost northbound lane to finish at Beach Place.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1815 from City Manager.

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**Event Agreement - Multiple Sclerosis Walk**

**(M-4)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **National Multiple Sclerosis Society** to indemnify, protect, and hold harmless the City from any liability in connection with the **Multiple Sclerosis Walk** to be held **Sunday, March 30, 2003 from 7:00 a.m. to 2:00 p.m.** at George English Park and beach area sidewalks.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1725 from City Manager.

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**Transfer of Funds - Joseph C. Carter Park  
Account to Commemorative Tree Trust Account**

**(M-5)**

A motion authorizing the transfer of funds in the amount of \$150,000 from P15160.339 (Joseph C. Carter Park Account) to 219-450160 (Commemorative Tree Trust Account)

**Funds:** See Memo  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1772 from City Manager.

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**Extension of City Policy Period for Military Pay  
of Employee Reservists**

**(M-6)**

A motion authorizing the extension of the current City policy to comply with the Governor's direction to enact provisions that raise military pay of those employees activated to the level of their civilian pay and continue existing benefits for one year to December 30, 2003.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1709 from City Manager.

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**Disbursement of Funds - Joint Investigation -  
O.R. No. 02-23745 - \$56,088.24 U.S. Currency**

**(M-7)**

A motion authorizing the equitable disbursement of funds in the amount of \$56,088.24, with each of the 12 participating task force agencies to receive \$4,674.02.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-11-7 from City Attorney

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**Disbursement of Funds - Joint Investigation**  
**O.R. No. 02-23745 - \$2,774.34 U.S. Currency**

**(M-8)**

A motion authorizing the equitable disbursement of funds in the amount of \$2,774.34, with each of the 12 participating task force agencies to receive \$231.19.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-11-2 from City Attorney

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**Contract Award - Creative Modular Systems, Inc.**  
**Project 10348 - Fire Station No. 47 Renovations**

**(M-9)**

A motion authorizing the proper City officials to execute an agreement with Creative Modular Systems, Inc. in the amount of \$75,194 for the renovations for Fire Station No. 47.

**Funds:** See Memo.  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1740 from City Manager.

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**Contract Award - Engineered Environments Inc. -**  
**Project 10347 - George English Park Recreation**  
**Building/Dock Renovation**

**(M-10)**

A motion authorizing the proper City officials to execute an agreement with Engineered Environments Inc. in the amount of \$375,233 for the George English Park Recreation Building/Dock Renovation project.

**Funds:** See Memo.  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1732 from City Manager.

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**Task Order - Keith and Schnars, P.A. (Professional**  
**General Civil Engineering Consultant Services) -**  
**Project 10423 - War Memorial Auditorium Accelerated**  
**CIP Renovations - Phase II**

**(M-11)**

A motion authorizing the proper City officials to execute an amendment to the Task Order with Keith and Schnars, P.A. in an amount not to exceed \$20,420 for professional design services for the War Memorial Auditorium Renovations, Phase II project.

**Funds:** See Memo  
**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1729 from City Manager.

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**Task Order - The Corradino Group - Project 10222 -  
City Park Garage Rehabilitation**

**(M-12)**

A motion authorizing the proper City officials to execute a Task Order with The Corradino Group in the amount of \$44,000 for the City Park Garage Rehabilitation project. (Also see Item M-13 on this Agenda)

**Funds:** See Memo.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1735 from City Manager.

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**Change Order No. 2 - Whiting-Turner Contracting  
Company - Project 10222 - City Park Garage Rehabilitation**

**(M-13)**

A motion authorizing the proper City officials to execute Change Order No. 2 with the Whiting-Turner Contracting Company in the amount of \$13,230.87 for the City Park Garage Rehabilitation project. (Also see Item M-12 on this Agenda)

**Funds:** See Memo.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1731 from City Manager.

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**Change Order No. 3 - F & L Construction, Inc. - Project  
10250B - Annual Contract for Concrete and Paving  
Stone Repair**

**(M-14)**

A motion authorizing the proper City officials to execute Change Order No. 3 with F & L Construction, Inc. in the amount of \$35,700 for sidewalk and paving stones repair.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1734 from City Manager.

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**Amendment No. 2 - Task Order No. 01-07 -  
Hazen & Sawyer, P.C. - Project 10417 - Poinciana Park and  
Second Avenue Storage Tank and Pumping Station Replacement**

**(M-15)**

A motion authorizing the proper City officials to execute Amendment No. 2 to Task Order No. 01-07 with Hazen & Sawyer, P.C. in an amount not to exceed \$57,900 for engineering services to complete the development application requirements for the Poinciana Park and Second Avenue Storage Tank and Pumping Station Replacement project, and for design services of a buffer along the western edge of the Second Avenue site.

**Funds:** See Memo.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1646 from City Manager.

---

**Appropriation of General Fund Contingencies -  
2003 Annual Dr. Martin Luther King Jr. Celebration****(M-16)**

A motion authorizing the appropriation of \$45,000 from General Fund Contingencies to open a trust account to pay for expenses while fund raising efforts are underway for the 2003 Annual Martin Luther King Jr. Celebration, in partnership with the Broward County Dr. Martin Luther King Junior Committee.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1833 from City Manager.

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**Transfer of General Fund Contingencies - Crawford,  
Murphy & Tilly, Environmental Consultants - Review of  
Environmental Impact Statement (EIS) - Extension of  
South Runway (9R/27L) at Fort Lauderdale/Hollywood  
International Airport****(M-17)**

A motion authorizing the transfer of \$25,000 from General Fund Contingencies to the "Other General Government/Mission Statement" account to pay a portion of the Crawford, Murphy & Tilly environmental consultant fees for review of the EIS prepared by Broward County in support of its application for extension of the South Runway (9R/27L) at Fort Lauderdale/Hollywood International Airport.

**Funds:** Transfer \$25,000 from General Fund Contingencies to Other General Government/Mission Statement GEN040201/3199 (Other Professional Services)

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1837 from City Manager.

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**Transfer of General Fund Contingencies -  
Ancestral Legacies, Inc.****(M-18)**

A motion authorizing the transfer of \$7,500 from General Fund Contingencies (FD001/9950) to Cultural Contributions (FEN010101/4201) in support of the "Colors and Textures of Our Legacy" exhibit.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1829 from City Manager.

---

**Transfer of Law Enforcement Trust Funds (LETf) -  
Support of Broward County Commission on Substance  
Abuse (BCCOSA) - Substance Abuse Data**

**(M-19)**

A motion authorizing the proper City officials to transfer \$7,500 from the LETf to Fund 129 (Miscellaneous Grants) in support of the BCCOSA collection and research of substance abuse data.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1784 from City Manager.

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**Grant Acceptance - Florida Department of Children  
and Families (DCF) Refugee Services Office Grant**

**(M-20)**

A motion authorizing the proper City officials to accept funds from DCF in the amount of \$150,000 for the Refugee Services Office Grant; and further authorizing the proper City officials to execute any and all documents necessary to accept such grant funds.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1800 from City Manager.

---

**Approval of Vendors for Purchase of Gang Resistance  
Education and Training (GREAT) Program Materials**

**(M-21)**

A motion approving the proper City officials to purchase materials for the GREAT Program from the Bureau of Alcohol, Tobacco and Firearms (ATF) approved vendors in accordance with the cooperative agreement approved by the City Commission on February 5, 2002.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1780 from City Manager.

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**Lease Agreements - William Esler Properties - Police  
Evidence and Technical Services Warehouses -  
501 S.W. 21 Terrace and 621 S.W. 21 Terrace**

**(M-22)**

A motion approving the proper City officials to execute lease agreements with William Esler properties for the Police Evidence and Technical Services warehouses located at 501 S.W. 21 Terrace and 621 S.W. 21 Terrace, respectively, each for a term of three (3) years.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-1698 from City Manager.

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**Revocable License Agreement - United States of America,  
acting by and through The General Services Administration -  
Federal Courthouse Security Barrier**

**(M-23)**

A motion authorizing the proper City officials to execute a Revocable License Agreement with the United States of America, acting by and through the General Services Administration, to allow the United States Marshal's Service to secure the north face of the Federal Courthouse by erecting a barrier wall system within the right-of-way of N.E. 1 Street.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-1859 from City Manager.

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<b>PURCHASING AGENDA</b>
--------------------------

**Two year Agreement for Local Telephone Service Provider**

**(Pur-1)**

A two year agreement, with extension options, for a local telephone service provider is being presented for approval by the Administrative Services, telecommunications Division.

Recommended Award: Bellsouth Communications  
Fort Lauderdale, FL  
Amount: \$ 942,000.00 (estimated annual)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-1795 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve a two-year agreement with extension options.

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**Proprietary - Software Support Agreement for RiskMaster**

**(Pur-2)**

A three-year software support agreement for RiskMaster is being presented for approval by the Finance, Risk Management Division.

Recommended Award: Computer Sciences Corporation  
Collingswood, NJ  
Amount: \$ 41,938.44  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-1805 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve a three-year proprietary software maintenance and support agreement.

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**922-8683 - Fire-Rescue Uniforms**

**(Pur-3)**

A two-year contract for Fire-Rescue uniforms is being presented for approval by the Fire-Rescue Department.

Recommended Award: Jules Brothers Uniforms, Inc.  
Miami, FL  
Alliance Medical  
Russellville, MD  
Harrison Uniforms  
Miami, FL  
Municipal Equipment  
Orlando, FL  
Amount: \$ 82,142.50 (estimated annual)  
Bids Solicited/Rec'd: 136/9 with 3 no bids  
Exhibits: Memorandum No. 02-1510 from City Manager

The Procurement and Materials Management Division recommends awarding to the low responsive and responsible bidders.

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**432-8733 - Turfgrass Maintenance**

**(Pur-4)**

A one-year contract for turfgrass maintenance is being presented for approval by the Parks and Recreation Department.

Recommended Award: Stiles Landscape  
Fort Lauderdale, FL  
All Green America Landscaping (MBE)  
Fort Lauderdale, FL  
Amount: \$ 32,422.00 (estimated)  
Bids Solicited/Rec'd: 109/10 with 2 no bids  
Exhibits: Memorandum No. 02-1789 from City Manager

The Procurement and Materials Management Division recommends awarding to the low responsive and responsible bidders.

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**Proprietary - Mobile Data System Maintenance**

**(Pur-5)**

A one-year contract for mobile data system maintenance is being presented for approval by the Police Department.

Recommended Award: Motorola, Inc.  
Schaumburg, IL  
Amount: \$ 88,051.92 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-1776 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

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**432-8782 - Removal and Disposal of Lime Sludge**

**(Pur-6)**

An agreement to purchase removal and disposal of lime sludge is being presented for approval by the Public Services Department.

Recommended Award: Soil Tech Distributor, Inc.  
Hialeah, FL  
Amount: \$ 750,000.00 (estimated)  
Bids Solicited/Rec'd: 41/5 with 1 no bid  
Exhibits: Memorandum No. 02-1726 from City Manager

The Procurement and Materials Management Division recommends awarding to the low responsive and responsible bidder.

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**432-8743 - Rehabilitation of Sanitary and Storm Sewers**

**(Pur-7)**

An agreement to purchase rehabilitation of sanitary and storm sewers is being presented for approval by the Public Services Department

Recommended Award: Lanzo Lining Systems  
Pompano Beach, FL  
S.O.S. Construction Corp.  
Miami, FL  
Amount: \$ 1,106,553.00 (estimated)  
Bids Solicited/Rec'd: 53/4 with 2 no bids  
Exhibits: Memorandum No. 02-1807 from City Manager

The Procurement and Materials Management Division recommends awarding to the low responsive and responsible bidders.

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The following items were removed from the Consent Agenda as recommended:

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to remove Items M-12, M-15, M-16, Pur-1, and Pur-4 from tonight's Consent Agenda, and approve the rest as recommended.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

**Task Order - The Corradino Group -  
Project 10222 - City Park Garage Rehabilitation**

**(M-12)**

Commissioner Katz stated that she had pulled this item. She continued stating that in reading the material distributed to the Commission, it stated that the overseeing of the structural repair had not been included in the original task order, and she wanted to know why it was not included.

Mike Fayyaz, Engineering Department, stated that the requirement of the Building Department was to have a special inspector or a threshold inspector for this type of work. This was discovered after permit

review due to specialty work involved and they were not aware that this was required.

Commissioner Katz asked if this was due to a lack of communication with the building officials. Mr. Fayyaz replied possibly that was part of the problem. He stated the person being retained was the structural engineer who had designed the project and was the most familiar with the job, thereby making it more cost effective for the City.

Commissioner Smith stated he was concerned about hiring Corradino because there were no check or balances.

Mr. Fayyaz stated that this was a very specialized inspection and reiterated it was best to use Mr. Corradino for the job.

Commissioner Smith asked if this wasn't the same garage they were having problems with and concrete was falling off of it, and the fact that it had not been constructed properly at the beginning. Mr. Fayyaz confirmed, but stated that was not related to the design.

Wayne Jessup, City Architect, stated that Corradino was their consultant and that the structural engineer who worked for Corradino who did the original inspection and designed the project and would be doing this inspection was their expert and understood the project better than anyone else. If someone else was hired, they would have to familiarize themselves first with the building and then begin work. Mr. Jessup stated that Corradino was not the contractor.

Greg Kisela, Assistant City Manager, stated that the facility was originally designed in the early '80's and any deficiencies in the construction were not Corradino's fault. The architect of record was Singer Architects. He further stated they needed to re-evaluate who was responsible in regard to the original design, and that could possibly include subconsultants also.

Commissioner Smith stated it appeared there were some oversights. Mr. Kisela stated the City would still be the owner's agent and inspections would be conducted, and if conflicts arose they would deal with them on an individual basis. He felt the expertise laid with this individual who understood the parking structure.

Commissioner Katz reiterated that she felt there should be an independent person doing the inspection. Mayor Naugle stated they had the City people involved also. Mr. Kisela stated there was oversight, but they still were going to hire the special help for a particular component of the project.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve this item.

Roll call showed: Roll call showed: YEAS: Commissioners Moore and Hutchinson. NAYS: Commissioners Smith, Katz and Mayor Naugle.

Mr. Jessup stated that he wanted to disclose that 20 years ago he had worked with Singer Architects on this project.

Commissioner Moore stated that they had just stopped a project for repairing the ugliest building in the City that was falling apart. He asked if the Commission would reconsider what they had just done.

Commissioner Smith remarked that there were problems in the past due to improper oversight with some of the contractors that had been hired, and there were serious questions whether an appropriate watch was being maintained. He explained he did not want to vote for a contract that had the same person on the job from the original inspection to the final "say so" on the threshold inspection. Commissioner Smith asked if a different inspector could be used for the threshold inspection.

Mr. Kisela stated that another inspector could be brought in, but due to the learning curve mentioned by Mr. Jessup they needed someone with the same expertise and familiarity with the project. Commissioner Smith proceeded to question the money spent and hours put in by the person being hired on this project. He stated that he would change his vote if there were some assurances that a different person would do the final inspection.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to reconsider Item M-12.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

Commissioner Smith asked for the City to find someone not affiliated with Corradino to do the threshold inspection. Mr. Kisela stated they were required to have a threshold inspector pursuant to a requirement by the Building Department in order to proceed forward with the project. Mr. Kisela reiterated that if this item was voted down, they would have to bring another consultant to the table. Commissioner Smith remarked that things were changed all the time and he asked if a condition could be placed on this and approve it differently.

Commissioner Hutchinson proceeded to explain more thoroughly the actual issue that was before the Commission.

Commissioner Smith reiterated that he felt this could be passed with an accommodation or understanding that someone else would be in the last position.

Commissioner Moore asked why the same party was being recommended to do the evaluation throughout the process.

Mr. Kisela stated that for the record he did not philosophically disagree with Commissioner Smith's concerns about the perceived conflict of interest, but the reason they were recommending to use this particular individual was because of his knowledge for this particular project. If they brought in a new inspector he would have to go through a learning curve and it would involve a premium and loss of time. Mr. Kisela stated that the overall administration of the contract would be done by the City Engineer's Office through the City's resources.

Commissioner Moore asked what time line would be involved if they did not approve this item at this time. Mr. Kisela stated that at the first Commission meeting in January, they would have to bring in a substitute threshold inspector to the table.

Commissioner Katz remarked that the project had waited this long so another month would be no problem.

Commissioner Smith stated that he was still not sure if this item could be passed this evening under the interpretation that a different threshold inspector would be used.

The City Attorney explained that the item before the Commission was a Task Order which was basically a direction to do work under an existing contract. He stated that if the Order was approved, then the person holding the existing contract would do the work, but if they did not want them to do the work, they would have to go out and find someone else under a contract as opposed to a Task Order.

Commissioner Moore asked if it was less expensive to work under a Task Order than a direct contract.

Mr. Kisela stated they believed this would be less expensive because of the learning curve. He explained there could be two approaches. They could either go to the new general civil consultant to expedite or

CCNA which could delay the project for several months.

The City Manager stated that it was his opinion that staff was trying to be responsive to the urgency of the project and give the same type of quality services the City was deserving of, and he supported the original recommendation and felt it was the preferred route to go.

Mayor Naugle asked Commissioner Smith if he would be more comfortable if this item was delayed for one week until the next Commission meeting. Commissioner Smith agreed that could help.

**Motion** made by Commissioner Moore and seconded by Commissioner Katz to table Item M-12 until the December 17, 2002 Commission meeting.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Amendment No. 2 - Task Order No. 01-07 -  
Hazen & Sawyer, P.C. - Project 10417 - Poinciana Park and  
Second Avenue Storage Tank and Pumping Station Replacement**

**(M-15)**

Commissioner Katz stated that she had pulled this item and asked why the City needed assistance in order to process their own plans and applications.

Maurice Tobon, Engineer and Design Manager, stated that half the cost listed for this item was for modifying the landscape drawings and the site plan in order to meet the requirements of the ULDR. The other half listed \$10,000 for the design of a wall at the Second Avenue site, and \$20,000 was for assistance in creating the permanent applications and attending public meetings and hearings.

Commissioner Katz asked why someone from the outside was needed to walk this through the City's own departments.

Greg Kisela, Assistant City Manager, stated that 2/3 of the money to be spent was for the site plan and design related services, and the remaining 1/3 was for process. Mr. Kisela stated zoning changes were necessary for FPL approval. He explained that it took 3 to 6 months to work through the public purpose zoning changes that were necessary to make sure this facility would be consistent with the ULDR.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to approve this item.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: Commissioner Katz.

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**Appropriation of General Fund Contingencies -  
2003 Annual Dr. Martin Luther King Jr. Celebration**

**(M-16)**

Commissioner Katz stated that she had pulled this item and stated she was concerned that money was being taken from the General Fund Contingencies over and over. She was concerned that this was the third thing they were taking out of this fund, and she did not feel this should be done and they should look for a different funding source. She also asked if the County was making any type of monetary contribution.

Mayor Naugle stated that he thought he had read that monies would be reimbursed. Commissioner Katz asked who was guaranteeing the reimbursement.

Commissioner Moore stated that they were not asking for any governmental assistance from the County. He explained they were attempting to have it be the City's event. The budget would be utilized for upfront costs and then the money would be returned to the City. He stated that this City was the first city to recognize Mr. King's birthday by closing its governmental center.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to approve this item.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: Commissioner Katz.

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**Two-Year Agreement for Local Telephone Service Provider**

**(Pur-1)**

Commissioner Katz stated that she had pulled this item and asked if they had considered any other group or were they locked into this contract.

Kirk Buffington, Purchasing Materials Management Division, stated that he did not want to say they were locked in because there were other providers, alternate local carrier exchanges. He used Super Telecom as an example and stated that was the problem one ran into with any re-seller of local service. Another serious consideration was that if they were to change providers, there was the possibility that the numbering exchange would change because the City had bought the block of 828 numbers from Bell South when they installed the new telephone switch 1 ½ years ago. They believed it was the best interest of the City to maintain the relationship with Bell South.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the item.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**432-8733 - Turfgrass Maintenance**

**(Pur-4)**

Commissioner Hutchinson stated that she had pulled this item and stated that the neighborhood was not happy with the current maintenance of the medians.

Phil Thornburg stated they met with the neighborhood and they were happier with the new maintenance program that had been put into place.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Smith to approve the item.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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<b>MOTIONS</b>
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Those matters included under the Motions category different from the Consent agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

**Lien Settlements for Special Master and Code Enforcement Board Cases**

**(M-24)**

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Katz to approve Nos. 5, 6, and 7 as recommended.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

Commissioner Hutchinson left the meeting at approximately 6:50 p.m. and returned at 6:51 p.m.

1. 36 West Sunrise Boulevard (CE00040274) - R.A.M. Enterprises, Inc. \$8,752.20.

Dick Coker, Attorney, stated that he was representing R.A.M. Enterprises, Inc. He stated that this was a commercial business on the corner of Sunrise Boulevard and Andrews Avenue. He explained this fine resulted from 8 or 9 violations over time due to retroactive Code provisions. One example was a buffer wall which was now required between residential and commercial. He explained it was impossible to install the buffer wall due to a septic tank drain field, and therefore, you could not install a CBS wall. It took 8 months to get a variance from the Board of Adjustment to allow a PVC wall to be erected and the fines resulted.

Mr. Coker stated that when the owner went to restripe the parking lot, he was told he needed site plan approval. The process took 11 months to get a permit to reseal and restripe the lot. He stated that the settlement was at this level because of staff's discretion and involvement. He explained that staff had seen the constant effort being shown by the property owner. He stated that this fine was high, but they understood this was the lowest that staff could recommend.

Commissioner Moore stated that he was not happy with this and there was a Code standard in the City. He further stated that the permitting process was what it was, and if everyone did what they had to do they would get through the process in a reasonable amount of time. Commissioner Moore recommended that they penalize this owner and take a stand to have these owners maintain their property at a higher standard so there would be a better city. He suggested the fine be doubled to \$17,104.40.

**Motion** made by Commissioner Moore to double the fine to \$17,104.40 in regard to the property located at 36 W. Sunrise Boulevard.

Mr. Coker stated that they went before Code Enforcement and were given an extension, but because staff had filed a lien the Code Enforcement Board did not have jurisdiction.

Commissioner Smith asked for Mr. Simmons to give his opinion in this matter. He asked if this property owner, upon citation, pulled permits to do the work, but had gotten held up in the system.

John Simmons, Assistant Director of Community Inspections, stated that except for a short period at the beginning when the owner

had problems with a death in his family, he had met with staff in an attempt to correct some of the violations. He explained one problem was the dumpster which did not fit into the dumpster enclosure that had been repaired.

Commissioner Smith stated that he understood Commissioner Moore wanted to send a message to the property owners, but he felt this owner had some specific problems. Therefore, he suggested the fine be increased only to \$10,000.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore (who withdrew his previous motion) to increase the fine to \$10,000 for the property specified above.

Roll call showed: YEAS: Commissioners Smith, Moore, and Katz. NAYS: Commissioner Hutchinson and Mayor Naugle.

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2. 1014 N.W. 9 Avenue (CE02030341) - Metropol Health Care Associates, Inc. - \$7,700.

Commissioner Moore stated that again this was a property which was a profit entity and he wanted the amount of the fine increased.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to increase the fine on the property located at 1014 N.W. 9 Avenue for a total of \$10,000.

Dr. LeClere Addison stated that when he went to apply for an Occupational License he was informed that the property was not zoned for health care. He explained that he was not aware of the notices that had been delivered to the property regarding some Code violations due to the fact that his secretary had thrown them away. When he became aware of the violations, he began doing repairs to the property. He hired someone to do maintenance on the building and a landscaper for the grounds.

Commissioner Moore stated that the purpose of the fines was that his property devalued other properties in the area. If he was concerned about the community in which his property was located, Commissioner Moore felt that many things could have been done immediately to remedy some of the problems. Commissioner Moore stated that he wanted to know who in zoning gave the information to Mr. Addison that the property was not properly zoned for health care. Commissioner Smith stated that was probably due to the fact that they could not meet the parking requirements. Mr. Addison stated there was a parking problem.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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3. 1175 N.E. 6 Avenue (CE99060798) - Jacqueline Taylor - \$9,622.50.

Jacqueline Taylor, property owner, stated that the fines had accumulated due to a window having been installed in a garage door and for a door being removed from one of the units leading to a bedroom. She explained this was the condition of the building when she purchased it in 1990 from the US Government due to it having been a foreclosure property. She further explained when these violations were brought to her attention in 1999, she hired a contractor by the name of Steve Fedore to make the necessary repairs. She stated she returned to Canada and thought the matter was being taken care of. She explained that she had some family problems and did not hear anything until she received a notice from the City in 2000.

Ms. Taylor stated that she was informed by the City she had to get new drawings by an architect. She complied with this and went through various processes. She admitted to being guilty of not following

through as best she could, and attempted to help improve the neighborhood.

Commissioner Smith stated he was very familiar with the street, but the problem was the illegal conversions and absentee landlords. He admitted that Ms. Taylor's building was well maintained, but the Commission had decided that these type of "quality of life" problems had to be used to set an example and stated they were presently at \$.15 on the dollar.

Mayor Naugle asked how many units were in Ms. Taylor's building. Ms. Taylor replied there were three units per se. She stated that the door was rehung and she now had approval from the City for the extra bedroom. She stated that she had been receiving two rental fees.

Commissioner Moore stated that he was going to withdraw his motion at 15% and recommend the Commission impose a 10% fine.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to approve a fine of \$6400 for the above-listed property.

Ms. Taylor stated that she would pay the fine as soon as she could arrange for financing and hoped to do it by the end of the year.

Commissioner Moore stated that this was an income property. Mayor Naugle stated that the fine needed to be paid by January 30, 2003.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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4. 525 N.E. 13 Street (CE0051949) - D&P Commercial Building, Inc. - \$4,530.

Commissioner Smith stated that this was a totally different situation than the previous one. He explained this building was owned by people who bought 3 other properties on 13 Street in an attempt to better the neighborhood. He stated they were being cited for security gates which were installed for safety reasons. Commissioner asked Mr. Simmons for the cost of enforcement on this property, and asked if \$1,000 would cover those costs.

John Simmons, Assistant Director of Community Inspections, stated that \$1,000 would cover costs.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to set the fine for this property at \$1,000.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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5. 1414 N.E. 5 Terrace (CE02050365) - Hapina, L.L.C. - \$1,670.

Commissioner Smith stated this building was a problem for the area, and asked what was going to be done in regard to landscaping.

Amos Chess stated that landscaping was added in the front of the building which consisted of shrubs and explained a tree was removed that was dead. He stated that immediately after purchasing the property they began making repairs and painting the structure. He explained they had nice tenants now. Commissioner Smith reiterated that there was not enough landscaping and wanted more to be installed. He asked Mr. Chess if he would make a commitment to plant more trees on the site. Mr. Chess agreed.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to approve the fine as recommended.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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6. 1518 N.W. 6 Street (CE00041235) -Eula M. Johnson - \$50,000.

Commissioner Moore complimented staff in regard to this property. He stated this building had caused many problems for the area. He stated that someone was interested in buying this property and asked if the Commission would consider reducing the fine to \$2,500 which had to be paid within 60 days.

Mayor Naugle asked if anyone knew who the potential buyer was for the property. Commissioner Moore asked if \$2,500 would cover staff's costs in regard to this property. John Simmons stated it would cover costs.

Jacqueline Taylor stated that someone was being favored for keeping their building in a deplorable condition. She stated that this building was in deplorable condition and was against the owners getting a reduction in their fine.

Commissioner Moore stated that he agreed the building was in horrible condition, and some of the violations had been taken care of at this site. He explained that the owner of the property was deceased and had been bedridden for 6 years. The family was beginning to make some repairs and were in the process of selling it. He explained that he was not rewarding the individual who kept the property in horrible condition, but wanted the fine reduced so this property could be returned to a business use. The property was presently vacant.

**Motion** made by Commissioner Moore to reduce the fine to \$2500 to cover the costs of the City and that the fine was to be paid within 60 days.

Commissioner Katz stated that the Commission had been demanding 15% for fines, but when they felt their "heart strings" being pulled the fines got reduced. She felt if a policy was in place, it should be adhered to as much as possible.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the fine at 90% for the above-listed property.

Commissioner Moore reiterated that he was attempting to redevelop the corridor and wanted to improve the community. He felt if a 90% lien was placed on this property, it would prevent someone from purchasing it and improving the neighborhood. Commissioner Moore re-emphasized that staff could not recommend fines lower than 15%, but the Commission could make any reductions or increases as they saw fit.

Mayor Naugle stated that he was going to pass the gavel to the Vice-Mayor. He then proceeded to make a substitute motion.

**Motion** made by Mayor Naugle to place the fine at \$25,000 for the above-listed property. Motion died for lack of a second.

Commissioner Smith stated that the problem was the City needed to take over this property. He felt they needed to foreclose on the lien and get the property under control, and then look for a new user for the

site.

Commissioner Hutchinson suggested that this item be tabled and have the new owners come before the Commission.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to table this matter until the December 17, 2002 Commission meeting.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: Commissioner Katz.

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7. 1130 N.E. 6 Avenue (Ce00110634) - Paul B. and Gesner Fleurinor - \$17,000.

Rocco Marucci, Attorney for the owner, stated that the owner purchased this property in 1994, and also bought the adjacent lot in 1997. He explained that the violations stemmed from the year 2001 and that the owner had a financial hardship in bringing the property up to Code. He further stated that one of the biggest problems was the buffer wall between the alleyway which he had been maintaining. The other problem was that the owner had domestic problems.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the fine as recommended.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Program Amendment to the Fiscal Year 2002/2003 Housing and Urban Development (HUD) Annual Action Plan for Community Development Block Grant (CDBG), Home Investment and Partnerships Program (HOME); Emergency Shelter Grant (ESG); and Housing Opportunities for Persons With AIDS (HOPWA)**

**(PH-1)**

A public hearing to consider a motion authorizing the addition of two additional program to the current FY 2002/2003 Annual Action Plan of the Consolidated Plan: (1) Youth Motivation Program/An Alternative to Suspension; and (2) Replacement Housing Relocation Strategy. Notice of public hearing was published November 10, 2002 (Sun-Sentinel) and November 14, 2002 (WestSide Gazette).

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

Commissioner Smith asked if this was being added to Starting Place.

Paul Costanzo, Community Development Manager, stated that Starting Place would run the program under contract with the Police Department.

Bob Cooke, Grant Coordinator, Police Department, stated that through no one's fault they did not get the application for funding back in February from Community Development. He further stated that they allowed him to apply late. He also stated that they contracted with Starting Place for staff only, and the

Police Department ran the actual program.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the program amendment as recommended.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Waterworks 2011 Water and Wastewater Capital Improvement Program (CIP)**

**(PH-2)**

**(A)** A public hearing to consider a resolution accepting the City's Water and Wastewater Master Plan and the Program Delivery Plan for the Waterworks 2011 Program, and authorizing the implementation of the planning recommendations provided in both plans. Notice of public hearing was published November 28 and December 5, 2002.

**Motion** made by Commissioner Moore and seconded by Commission Hutchinson to close the public hearing.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-205

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING THE CITY OF FORT LAUDERDALE WATER AND WASTEWATER MASTER PLAN AND THE PROGRAM DELIVERY PLAN FOR THE WATERWORKS 2011 PROGRAM AND AUTHORIZING THE IMPLEMENTATION OF THE PLANNING RECOMMENDATION PROVIDED IN BOTH PLANS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: None.

**(A)** A public hearing to consider an ordinance amending Chapter 28 of the Code of Ordinances entitled, "Water, Wastewater and Stormwater," to address the Waterworks 2011 Water and Wastewater CIP by amending section 28-26 to provide for additional definitions; Section 28-76, "Wastewater User surcharge on wastewater rates to new users connecting to the new wastewater system to amend such other sections of Chapter 28 necessary to make sections consistent. Notice of public hearing was published November 28 and December 5, 2002.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing.

Roll called showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-39

AN ORDINANCE AMENDING CHAPTER 28, "WATER, WASTEWATER AND STORMWATER," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO ADDRESS THE WATERWORKS 2011 WATER AND WASTEWATER CAPITAL IMPROVEMENT PROGRAM BY AMENDING SECTION 28-26 TO PROVIDE FOR ADDITIONAL DEFINITIONS; SECTION 28-76, "WASTEWATER USER RATES," TO PROVIDE FOR SEWER CONNECTION FEES AND PAYMENT OPTIONS, TO PROVIDE FOR A TEN PERCENT SURCHARGE ON NEW USER SERVICE CONNECTIONS TO THE WASTEWATER SYSTEM AND TO AMEND SUCH OTHER SECTIONS OF CHAPTER 28 NECESSARY TO MAKE ALL SECTIONS CONSISTENT.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

(A) A public hearing to consider a resolution approving the guidelines for calculating an equivalent residential connection fee for the Waterworks 2011 Program. Notice of public hearing was published November 28 and December 5, 2002.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-206

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE GUIDELINES FOR CALCULATING AN EQUIVALENT RESIDENTIAL CONNECTION FEE FOR THE WATERWORKS 2011 PROGRAM.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Amendment to Resolution No. 01-28 - Application for Dock Waiver of Limitations - Alhambra Place Condominium, 209 North Birch Road**

**(PH-3)**

A public hearing to consider an amendment to Resolution No. 01-28 authorizing the proper City officials to waive the limitations under Section 47-19.3(B) and (C) under 47-19.3(D) of the Unified Land Development Regulations (ULDR) to allow Alhambra Place Condominium to construct 2 wooden finger

piers and 5 dolphin pilings that extend a maximum distance of approximately 30 feet and 35 feet, respectively, from the property line into the Intracoastal Waterway. Notice of public hearing was published November 28 and December 5, 2002.

Dennis Mele, attorney, stated this item had previously been approved by the Commission and they were requesting to move them over 5' from their present locations. He proceeded to show pictures of the area.

Carol Lewendowski, resident of Springbrook Gardens, stated that they had no opposition to anything north. She proceeded to read from the letter which she received from the City Manager. She further stated that they did have an objection to the marginal docks being utilized for the water taxi and visitor docking. She explained that there was no detailing on the plans for pilings on the marginal dock, and she did not understand how they were going to dock boats without pilings. She also stated that the marginal docks would be within 6' of their property line. She stated that promises were made but never kept.

Commissioner Smith asked if they had ever taken care of the matter regarding a palm tree falling on a car in the parking lot. Ms. Lewendowski stated that the insurance company denied it, but they had taken care of the problem. Commissioner Smith asked if there were any other outstanding issues with this company. Ms. Lewendowski stated that they owed Springbrook Gardens \$3,000 due to an agreement Mr. Curry made with them to pay for pressure cleaning of their building. She further stated that issue had nothing to do with the matter they were discussing tonight.

Pat Sommerville, resident of Springbrook Gardens, stated that she was concerned about the property being used for the water taxi and non-residential docking. She proceeded to ask who would supervise those activities.

Commissioner Moore asked for further explanation of the marginal dock.

Mr. Mele stated that was the area labeled on the drawing as concrete deck, and the setback was 10 feet. He stated if they did not want them to have the public docking that would be no problem, and they were willing to pay the \$3,000 for the pressure cleaning.

Commissioner Smith asked if the boats would be encroaching in the setback on that side. Mr. Mele believed they would not, but deferred to Jamie Hart.

Jamie Hart, Marine Facilities, stated that the docking setback was 10' for that location. He explained if a larger boat was docked there, it would be a matter for Code Enforcement.

Commissioner Moore left the meeting at approximately 7:48 p.m. and returned at 7:52 p.m.

Mr. Hart stated that the structure itself could be within the setback, but not the boat.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

Commissioner Smith introduced the following resolution with the understanding that the dock would be moved to the north without the ability to dock a boat in the marginal dock:

#### RESOLUTION NO. 02-207

A RESOLUTION OF THE CITY COMMISSION OF THE CITY  
OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION  
NO. 01-28, WHICH WAIVED THE LIMITATIONS OF SECTION

47-19.3.B & C OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, WHICH RESOLUTION AS AMENDED WILL ALLOW ALHAMBRA PLACE CONDOMINIUM ASSOCIATION, INC., A FLORIDA CORPORATION TO CONSTRUCT AND MAINTAIN TWO (2) FIXED FINGER PIERS AND FIVE (5) DOLPHIN PILINGS, THAT EXTEND INTO THE INTRACOASTAL WATERWAY A MAXIMUM DISTANCE, MORE PARTICULARLY DESCRIBED BELOW, FROM THE WATERFRONT PROPERTY LINE FOR THE PROPERTY LOCATED AT 209 NORTH BIRCH ROAD MORE PARTICULARLY DESCRIBED BELOW.

Which resolution was read by title only.

Mayor Naugle stated that he was going to vote against this item because he felt it set a bad precedent and did not know of many communities which built a marginal dock over the waterway. He felt it appeared to be an extension of the property line and he felt they should stick to the original plan.

Commissioner Smith stated that he felt this had been built with the building and were not actually building out over the water. He stated they were attempting to accommodate the marine industry and permit people to have more boats at their property.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Katz. NAYS: Mayor Naugle.

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**Application for Dock Waiver of Limitations -  
Limitations - Thomas H. Shea, 500 San Marco Drive**

**(PH-4)**

A public hearing to consider a resolution authorizing the proper City officials to waive the limitations under Section 47-19.3(B) under 47-19.3(D) of the Unified Land Development Regulations (ULDR) to allow Thomas H. Shea to construct a boat lift and modify and maintain a marginal dock that extends into the Luna Canal a maximum distance of 20 feet from the property line, where only a distance of 8.25 feet is otherwise permitted without the waiver. Notice of public hearing was published November 28 and December 5, 2002.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to close the public hearing. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

Commissioner Katz stated there have been a lot of dock waivers which showed to her that the laws were not good. She felt the laws needed to be put in place so everyone could have the same interpretations. She asked when staff made a presentation to the Marine Advisory Board were they supposed to give a recommendation.

The City Attorney stated that generally staff would give an opinion if they were requested to do so. They would normally provide the information necessary for the Board to make a determination of whatever issue was before them.

Commissioner Katz stated that she felt it was inappropriate for staff to give their opinion unless asked.

The City Manager stated that sometimes they had an obligation to advise a Board due to their experience in a situation and what policies existed, and if a recommendation was asked for staff was obligated to give it. He explained they did not over extend their bounds and suggest beyond what was policy or past practice, but he did not think they would be doing a proper job if they did not advise them as best as possible.

Commissioner Katz felt if they were asked that would be all right, but when presenting the matter it was not their place to decide whether something was a problem or not.

Commissioner Hutchinson asked if staff always gave recommendations to the advisory boards. Commissioner Katz reiterated that they gave a presentation, but not advice.

Mayor Naugle stated that he thought one of the purposes of the staff recommendation was that staff reviewed the policies and ordinances, and then made a recommendation based on those facts. Commissioner Hutchinson agreed.

Commissioner Katz stated that it was sounding like staff was pushing a view point and she objected. Mayor Naugle stated that could be, but if they were pushing a view point possibly that was because it had been the policy of the City.

Commissioner Smith left the meeting at approximately 7:57 p.m.

Commissioner Katz stated that she felt the policy was not clear because the interpretations kept coming back differently in each case.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-208

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, WAIVING THE LIMITATIONS OF SECTION 47-19.3.B & C OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW THOMAS H. SHEA AND MAUREEN A. SHEA, HIS WIFE, TO CONSTRUCT AND MAINTAIN AN ELEVATOR BOAT LIFT, THAT EXTENDS A MAXIMUM DISTANCE OF TWENTY (20') FEET FROM THE PROPERTY LINE INTO THE ADJACENT LUNA CANAL FOR THE PROPERTY LOCATED AT 500 MARCO DRIVE, SUCH PROPERTY BEING MORE PARTICULARLY DESCRIBED BELOW.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Rezone RM-15 to CF-H - St. Christopher Episcopal Church (PZ Case No. 8-Z-02)**

**(PH-5)**

At the October 16, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 9-0 that the following application be approved. Notice of public hearing was published November 28 and December 5, 2002.

Applicant: St. Christopher Episcopal Church  
Request: Rezone RM-15 to CF-H  
Location: 318 N.W. 6 Avenue

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-40

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RM-15 TO CF-H, THE NORTH 25.00 FEET OF LOT 35, LOTS 36 THROUGH 43 AND THE NORTH 25.00 FEET OF LOT 44, "DAMES SUBDIVISION OF BRYAN SUBDIVISION," IN BLOCK 5, FORT LAUDERDALE, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 121, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, LOCATED ON THE SOUTH SIDE OF NORTHWEST 4<sup>TH</sup> STREET, BETWEEN NORTHWEST 5<sup>TH</sup> AVENUE AND NORTHWEST 6<sup>TH</sup> AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Public Purpose Use/Site Plan Approval/  
Florida Power and Light - Powerline Substation  
(PZ Case No. 98-R-02)**

**(PH-6)**

At the October 16, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 8-1 that the following application be approved. Notice of public hearing was published November 28 and December 5, 2002.

Applicant: Florida Power and Light (FPL)  
Request: Public Purpose Use/Site Plan Approval/  
Location: North of N.W. 57 Place, between the CSX/Tri-Rail Railroad and N.W. 9 Avenue  
(Powerline Road)

Commissioner Smith returned to the meeting at 8:02 p.m.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to close the public hearing. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-41

AN ORDINANCE APPROVING A PUBLIC PURPOSE USE OF PROPERTY FOR A FLORIDA POWER AND LIGHT ELECTRICAL SUBSTATION LOCATED NORTH OF N.W. 57<sup>th</sup> PLACE BETWEEN THE CSX/TRI-RAIL RAILROAD AND

N.W. 9<sup>TH</sup> AVENUE, IN FORT LAUDERDALE, FLORIDA, IN AN "I" ZONING DISTRICT THAT DOES NOT MEET CERTAIN REQUIREMENTS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS; GRANTING RELIEF FROM THE LIST OF PERMITTED AND CONDITIONAL USES FOR AN ELECTRICAL SUBSTATION IN AN "I" ZONING DISTRICT PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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Mayor Naugle informed Commissioner Smith that while he was out of the room the Commission had approved PH-4 which was an Application for a Dock Waiver. He stated that he knew it was in Commissioner Smith's District and normally they ask for the opinion of the District Commissioner. He proceeded to ask Commissioner Smith if he was in favor of that item. Commissioner Smith stated that he approved and thanked the Mayor for asking him.

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**Public Purpose Use/Site Plan Approval/C -  
Florida Power and Light - Verena Substation  
(PZ Case No. 118-R-02)**

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**(PH-7)**

At the November 20, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 6-0 that the following application be approved. Notice of public hearing was published November 28 and December 5, 2002.

Applicant: Florida Power and Light (FPL)  
Request: Public Purpose Use/Site Plan Approval/C  
Location: 1401 N.E. 13 Avenue

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to close the public hearing. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

Commissioner Smith stated there might be an opportunity to do something with a piece of land near Verena and asked if that could be an additional commitment.

Dennis Mele, Attorney for FPL, stated they were working with the Parks and Recreation Department, along with the neighborhood for the use of the additional land. He further stated they were happy to continue working on that matter.

Commissioner Smith introduced the following ordinance on first reading:

**ORDINANCE NO. C-02-42**

AN ORDINANCE APPROVING A PUBLIC PURPOSE USE OF PROPERTY FOR A FLORIDA POWER AND LIGHT ELECTRICAL SUBSTATION LOCATED AT 1401 N.E. 13<sup>TH</sup> AVENUE IN FORT LAUDERDALE, FLORIDA, IN A B-3 ZONING DISTRICT THAT DOES NOT MEET CERTAIN REQUIREMENTS OF THE UNIFIED

LAND DEVELOPMENT REGULATIONS; GRANTING RELIEF FROM  
THE LIST OF PERMITTED AND CONDITIONAL USES FOR AN  
ELECTRICAL SUBSTATION IN A B-3 ZONING DISTRICT; AND  
THE PARKING REQUIREMENTS PURSUANT TO SECTION  
47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS  
OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Public Purpose Use/Site Plan Approval/RAC-SMU -  
Florida Power and Light - Orchid Substation  
(PZ Case No. 97-R-02)**

**(O-1)**

At the October 16, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 8-1 that the following application be approved. Ordinance No. C-02-36 was published November 7 and 14, 2002, and approved on first reading November 19, 2002 by a vote of 5-0. (Also see Item R-1 on this Agenda)

Applicant: Florida Power and Light (FPL)  
Request: Public Purpose Use/Site Plan Approval/RAC-SMU  
Location: Northwest corner of S.W. 3 Avenue and S.W. 7  
Street (645 S.W. 2 Avenue)

Commissioner Moore introduced the following ordinance on second reading.

Commissioner Hutchinson stated that when this was approved at the first reading certain conditions had been set as it related to FPL and the neighborhood, and she asked if those conditions had been met. She further stated if the conditions had not been met, she suggested the matter be tabled until December 17, 2002 Commission meeting so the issues could be resolved.

David Rose, President Tarpon River Association, stated the conditions included that FPL would return within one week with information to enable the Association to have further discussion within their neighborhood and with the developers. He stated that meant FPL was to contact them by November 26, 2002. On December 3, 2002, he called FPL asking for the information. Late on December 5, 2002 information was finally e-mailed to him. This did not give their group sufficient time to digest the information. The issue dealt with the movement of the high voltage powerlines from the center of the neighborhood to the railroad right-of-way. He, therefore, requested that this item be tabled to give the neighborhood more time to discuss the matter.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Moore to table this matter for one week until the next Commission meeting of December 17, 2002, at 6:00 p.m.

Commissioner Hutchinson stated this neighborhood worked very well with FPL and she did not feel one week would make a big difference. She reminded FPL to meet with the community.

Mr. Rose stated that the next item O-2 was exactly the same situation as O-1.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Public Purpose Use/Site Plan Approval/U -  
Florida Power and Light - Southside Substation  
(PZ Case No. 119-R-02)**

**(O-2)**

At the October 16, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 8-1 that the following application be approved. Ordinance No. C-02-37 was published November 7 and 14, 2002, and approved on first reading November 19, 2002 by a vote of 5-0.

Applicant: Florida Power and Light (FPL)  
Request: Public Purpose Use/Site Plan Approval/U  
Location: Northwest corner of S.W. 9 Street and the FEC Railroad  
(200 S.W. 7 Street)

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to table this item until December 17, 2002 Commission meeting at 6:00 p.m. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Public Purpose Use/Site Plan Approval/RMH-25 -  
Florida Power and Light - Sistrunk Substation  
(PZ Case No. 120-R-02)**

**(O-3)**

At the October 16, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 9-0 that the following application be approved. Ordinance No. C-02-38 was published November 7 and 14, 2002, and approved on first reading November 19, 2002 by a vote of 5-0.

Commissioner Hutchinson left the meeting at approximately 8:10 p.m.

Commissioner Moore stated that he wanted to commend FPL in this matter in regard to their attempting to follow the community's desires. He further asked about the six poles in the sidewalks and as to what was going to happen to them.

Jack McNeil, Florida Power and Light, stated that the current plan as submitted to the City called for enhancement of the landscaping and wall treatment between the sidewalk and the substation as it exists today. Discussion was held and if the sidewalk was removed there would be a green space placed in the area.

Commissioner Moore stated that he had received a report from staff regarding the usage of that sidewalk, and proceeded to ask if the sidewalk was not removed what were they going to do about the poles.

Mr. McNeil proposed it was an item that could be discussed between the parties to see if there were opportunities to move the pole lines.

Commissioner Hutchinson returned to the meeting at 8:12 p.m.

Commissioner Moore stressed the ability for individuals to navigate along the sidewalk, especially those individuals in wheelchairs and children utilizing the sidewalk going to and from school. Presently, it appeared people were using the sidewalk.

Mr. Mele, Attorney for FPL, stated that the Commission had asked them to determine by tonight's meeting as to whether the sidewalk should remain or be removed. There are some pedestrian traffic counts that indicate the sidewalk was being used. He stated that FPL agreed that if the sidewalk stayed

and then later on the City wanted it removed, they would do so. He stated they did not have a location to move the poles to as of this time.

Commissioner Moore stated that he could accept an "if" answer. He stated that he had a number of people mention to him that they were personally insulted by the number of poles which were hampering pedestrians in the area. He further stated that when the wiring was first done possibly FPL should have acquired the necessary right-of-way in order to place the poles out of the public's right-of-way. He commended FPL for their efforts, but it was his responsibility to guarantee pedestrian safety.

Mr. Mele stated that he understood what Commissioner Moore was stating, but the problem was that the substation was built around 1927, and the conflict occurred a long time away based on the limited right-of-way and the area growing over time. He stated that no one wanted a situation with the poles in the sidewalk, but they presently did not have a location available.

Mr. McNeil stated that one option mentioned to him by the landscape architect was that they could possibly rework the wall design and expand the sidewalk toward the substation to add additional room for pedestrians. Commissioner Moore asked if that was done would they have to remove some of the landscaping. Mr. McNeil stated there would be notches of landscaping that would have to be sacrificed.

Commissioner Smith asked if it was possible for FPL to purchase an easement inside of the sidewalk on someone else's private property. Commissioner Moore stated that the problem was that the sidewalk was 4' wide and the pole itself was about 2'.

Mr. Mele showed a rough sketch of what they could do regarding the sidewalks and the poles as a solution to the problem. Commissioner Moore stated that was what he wanted and accepted their solution.

Andy Ziffer, FPL Citizens Advisory Committee and Tarpon River resident, stated that the Board had even toured the site, and they agreed that the sidewalk should be removed, but that was not possible due to Milton Jones doing a development further north in the area.

Bunney Brenneman, FPL Citizens Advisory Committee, stated that the Board was under the impression that the sidewalk made a difference to proposed development in the area, otherwise they were in favor of removing the sidewalk.

Commissioner Moore stated that based upon meetings held with interested parties, they now had to deal with how the poles would be handled or the removal of the sidewalk. He stated that the community had reached a consensus that they wanted the wall erected immediately.

Commissioner Moore introduced the following ordinance on second reading:

#### ORDINANCE NO. C-02-38

AN ORDINANCE APPROVING A MODIFICATION OF A PUBLIC PURPOSE USE OF PROPERTY FOR A FLORIDA POWER AND LIGHT ELECTRICAL SUBSTATION LOCATED AT 420 N.W. 6<sup>TH</sup> AVENUE IN FORT LAUDERDALE, FLORIDA, IN AN RMH-25 ZONING DISTRICT THAT DOES NOT MEET CERTAIN REQUIREMENTS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS; GRANTING RELIEF FROM THE LIST OF PERMITTED AND CONDITIONAL USES FOR AN ELECTRICAL SUBSTATION IN AN RMH-25 ZONING DISTRICT; THE MAXIMUM HEIGHT REQUIREMENT FOR FENCES AND WALLS; THE LANDSCAPING REQUIREMENTS;

AND THE PARKING REQUIREMENTS PURSUANT TO SECTION  
47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS  
OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Amendment to Pay Plan**

**(O-4)**

An ordinance amending the Pay Plan of the City to provide for new classes, the deletion of a class, the adjustment of the pay range of a class, and amend the Wellness Incentive Program to incorporate the Intervent Program into the management benefit package, all in Schedule I; and further amending Ordinance No. C-94-22 to provide non-bargaining unit Confidential Schedule II employees with the Intervent Wellness Incentive Program. Notice of proposed ordinance was published November 30, 2002.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-43

AN ORDINANCE AMENDING THE PAY PLAN  
OF THE CITY OF FORT LAUDERDALE, FLORIDA,  
PROVIDING FOR NEW CLASSES, THE DELETION  
OF A CLASS, THE ADJUSTMENT OF THE PAY  
RANGE OF A CLASS, AND AMENDING THE  
WELLNESS INCENTIVE PROGRAM TO INCORPORATE  
THE INTERVENT PROGRAM INTO THE MANAGEMENT  
BENEFIT PACKAGE, ALL IN SCHEDULE I; AND  
FURTHER AMENDING ORDINANCE NO. C-94-22  
TO PROVIDE NON-BARGAINING UNIT CONFIDENTIAL  
SCHEDULE II EMPLOYEES WITH THE INTERVENT  
WELLNESS INCENTIVE PROGRAM.

Which ordinance was ready by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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Mayor Naugle announced to the person in the audience regarding 1229 N.E. 2<sup>nd</sup> Avenue that the lien reduction had been approved in the amount of \$1,600.

**Amendment to Ordinance No. C-96-62 - Budget  
Advisory Board Terms**

**(O-5)**

An ordinance amending Ordinance No. C-96-62 which created the Budget Advisory Board, to amend the date a board member's term of office begins and to approve a one-time extension of the term of office for existing board members to coincide with the City's fiscal year. Notice of proposed ordinance was published November 30, 2002.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-44

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY

OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-96-62 WHICH CREATED THE BUDGET ADVISORY BOARD TO AMEND THE DATE A BOARD MEMBER'S TERM OF OFFICE BEGINS AND TO AMEND THE DATE THE TERM OF OFFICE ENDS FOR EXISTING BOARD MEMBERS TO COINCIDE WITH THE CITY'S FISCAL YEAR.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Vacate Utility Easement - Florida Power and Light - Orchid Substation (PZ Case No. 12-M-02)**

**(R-1)**

At the September 26, 2002 Property and Right-of-Way meeting, it was recommended that the following application be approved. (Also see Item O-1 on this Agenda)

Applicant: Florida power and Light (FPL)  
Request: Vacate utility easement along the east, south, and west perimeter of the site of the proposed Orchid electrical substation.  
Location: Northwest corner of S.W. 3 Avenue and S.W. 7 Street (645 S.W. 2 Avenue)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-209

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING ALL OF THAT CERTAIN UTILITY EASEMENT IN PARCEL "A" BILBO'S PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, LOCATED ADJACENT TO SOUTHWEST 2<sup>ND</sup> AVENUE, SOUTHWEST 3<sup>RD</sup> AVENUE AND SOUTHWEST 7<sup>TH</sup> STREET, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Lot Clearing and Cleaning Charges**

**(R-2)**

A resolution authorizing the imposition of liens against certain properties for costs associated with clearing and removal of debris located thereon.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-210

A RESOLUTION OF THE CITY COMMISSION OF THE CITY

OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF CLEARING LOTS FOUND TO HAVE AN UNLAWFUL OR EXCESSIVE ACCUMULATION OF RUBBISH, DEBRIS OR TRASH UNDER CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA AND IMPOSING SPECIAL ASSESSMENT LIENS AGAINST SUCH PROPERTIES FOR THE COST AND EXPENSE INCURRED IN CLEANING AND CLEARING SAME; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Building Board-Up and Securing Charges****(R-3)**

A resolution authorizing the proper City officials to impose liens against such properties for costs associated with boarding and securing the buildings.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-211

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHARGING AND ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF SECURING AND BOARDING UP BUILDINGS LOCATED THEREON WHICH WERE FOUND UNSAFE UNDER SECTION 111 OF THE FLORIDA BUILDING CODE AND IMPOSING LIENS AGAINST SUCH PROPERTIES; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD CLAIMS OF LIEN AGAINST THE PROPERTIES IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

Commissioner Moore asked the City Attorney if he was aware that the foreclosure had been started on 1005 N.W. 18 Court. The City Attorney stated that he did not know. Commissioner Moore asked if the foreclosure had been started for 1531 N.W. 12<sup>th</sup> Street. The City Attorney stated he did not know that either. Commissioner Smith stated that he would like that to be done in regard to both of the properties he had mentioned.

Lori Milano, Community Inspections Director, stated that when the amounts in the column were more than \$1500, they would forward the cases for foreclosure. She stated the cases Commissioner Moore were not yet in the City Attorney's Office. Commissioner Moore asked if they were going to be forwarded tomorrow. Ms. Milano confirmed.

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**Reschedule January 21, 2003 City Commission  
Conference and REGULAR Meeting to January 22, 2003****(R-4)**

A resolution authorizing the January 21, 2003 City Commission Conference and Regular meetings to be rescheduled to January 2, 2003.

Commissioner Moore introduced the following resolution:

## RESOLUTION NO. 02-212

A RESOLUTION OF THE CITY COMMISSION OF THE CITY  
OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE  
JANUARY 21, 2003, REGULAR AND CONFERENCE MEETINGS  
OF THE CITY COMMISSION TO JANUARY 22, 2003.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

**Reappointment of Henry Latimer, Greenberg, Traurig, P.A. -  
Special Legal Counsel for Special Litigation/Administrative  
Proceedings - Employee Relations****(R-5)**

A resolution authorizing the reappointment of Henry Latimer of the law firm of Greenberg, Traurig, P.A. as special legal counsel to assist on special litigation and administrative proceedings arising out of employee relations, and further authorizing an adjustment of the hourly rate to \$250 per hour.

Mayor Naugle asked the City Attorney if such a large increase was necessary. The City Attorney stated that the increase was a significant reduction from what was originally requested. Mr. Latimer's rate had been raised to over \$400 per hour. He was offered at \$360 and the City negotiated the rate at \$250. Mayor Naugle clarified that the previous rate had been \$170. The City Attorney confirmed. Mayor Naugle asked how much had been paid to the firm in the last year. The City Attorney stated that they had been paid \$600,000 in connection with the Spence Brown case. Commissioner Moore clarified that was at \$170 per hour. The City Attorney confirmed and stated that he had discussed with Mr. Latimer about representing the City as co-counsel and that Mr. Latimer would also have a senior attorney working with him, along with Muller Mintz in connection with the Elgin Jones case and the work would be done at about \$130 per hour.

Commissioner Smith asked if there was any opportunity for settlement. The City Attorney stated this was the best the City would get in regard to Mr. Latimer. Commissioner Smith stated he was concerned that if the City won, they could also be losing and the cost could be around \$1 Million. The City Attorney remarked that was a problem. In regard to this case, he stated an offer of settlement was made, and stated that the City needed to be vigorous in defending itself over the next 6 months to one year in regard to these claims because otherwise that could just generate more claims.

Commissioner Moore asked if the other case which they had just won might be appealed. The City Attorney stated that they had already filed a motion for rehearing, mistrial, new trial, and a judgment notwithstanding a verdict, and all that was responded to. He stated they felt fairly confident about the matter. He explained there would be no reason to file for attorney fees knowing the Judge involved in the case. He stated the City expected to prevail in that case. Commissioner Smith asked how much money was involved for cost reimbursement regarding the last case discussed. The City Attorney replied between \$12,000 and \$20,000.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-213

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RE-APPOINTING HENRY LATIMER OF THE LAW FIRM OF GREENBERG, TRAURIG, P.A., AS SPECIAL COUNSEL, TO REPRESENT THE CITY IN LITIGATION AND ADMINISTRATIVE PROCEEDINGS ARISING OUT OF EMPLOYEE RELATIONS MATTERS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Katz. NAYS: Mayor Naugle.

Commissioner Smith stated that he could support this if they received regular updates because he did not want the attorney's fees to get out of hand. He suggested that every time a substantial thing occurred, the City Attorney should bring it to the Closed Door Session of the Commission. The City Attorney replied that might be happening very soon.

Commissioner Katz asked if the money paid to Mr. Latimer came out of the City's budget. The City Attorney replied it was not.

The City Manager stated that when budgeting was done for insurance purposes, this was where the resources would come from for such items.

Mayor Naugle replied that he felt a government rate should be of a lesser rate. Recently he had read that this attorney was the No. 1 Labor attorney in the County.

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**Request for Four-Way Stop Sign - S.W. 4 Avenue  
and S.W. 26 Street**

**(R-6)**

A resolution requesting Broward County to install a four-way "Stop" sign (or other appropriate traffic control device) at S.W. 4 Avenue and S.W. 26 Street, and further authorizing the City accept liability for this traffic control device in the event that it does not meet national warrants. (Requested by Vice Mayor Hutchinson)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-214

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, TO EXPLORE PLACEMENT OF A TRAFFIC CONTROL DEVICE AT THE INTERSECTION OF S.W. 4<sup>TH</sup> AVENUE AND S.W. 26<sup>TH</sup> STREET AND TO ACCEPT LIABILITY FOR PLACEMENT OF SAME IN THE EVENT, AFTER VERIFICATION, THAT SUCH DEVICE IS NOT WARRANTED UNDER APPROPRIATE INDUSTRY STANDARD.

Commissioner Smith stated that he would support this item, but they had been told it was not a change in

City practice, and that they did not want other unique situations to come forward. He stated that if there were other locations in the City that needed the same remedy, they would then have to bring them forward.

Commissioner Katz stated that she was also concerned that they were starting to set a precedent. Commissioner Hutchinson stated that this was a unique situation that involved 72 buses twice a day.

Mayor Naugle asked the Vice-Mayor if it was possible to wait until the 4<sup>th</sup> Avenue build out occurred because there was a lot of truck traffic on 4<sup>th</sup> Avenue over the weekends, and once the road widening project was completed this might not be necessary.

Commissioner Hutchinson stated it was necessary because school buses could not make a left-hand turn across the four-way street without a traffic control device. She explained they had been working on this for 3 years. She stated this was the best solution they came up with. She further stated that they had discussed this with the County in regard to an on-demand light. Therefore, she stated they had two possible options.

Mayor Naugle suggested making an on-demand light the City's first preference.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following resolution as the second option:

RESOLUTION 02-215

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, TO EXPLORE PLACEMENT OF AN ON-DEMAND LIGHT AT THE INTERSECTION OF S.W. 4<sup>TH</sup> AVENUE AND S.W. 26<sup>TH</sup> STREET AND TO ACCEPT LIABILITY FOR PLACEMENT OF SAME IN THE EVENT, AFTER VERIFICATION, THAT SUCH DEVICE IS NOT WARRANTED UNDER APPROPRIATE INDUSTRY STANDARDS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**U.S. Fish and Wildlife Service -  
Endangered Species Act - Proposed Legislation**

**(OB)**

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-216

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING GOVERNOR BUSH TO TAKE WHATEVER ACTION NECESSARY TO EFFECTUATE THE TRANSFER OF

MANAGEMENT AUTHORITY FOR REGULATIONS  
GOVERNING THE MANATEE FROM THE U.S. FISH  
AND WILDLIFE SERVICE TO THE FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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**Advisory Board/Committee Appointments**

**(OB)**

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Cemeteries Board of Trustees	Mark Van Rees
Code Advisory Committee	Bunney Brenneman Caldwell Cooper Alan Vordermeier Vicki Pisto-Revier Doug Blevins Dave Damerau Margaret Haynie Birch Marsha Goldsby Genia Ellis Ginnie Hancock
Downtown Development Authority	Doug Eagon
FPL Citizens Advisory Committee	Chuck Jewett
Urban Design Core Steering Committee	Tim Hernandez Jim McKinley

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-217

A RESOLUTION OF THE CITY COMMISSION OF  
THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING  
BOARD MEMBERS AS SET FORTH IN THE EXHIBIT  
ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: None.

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Commissioner Moore stated that he had attended the National League of Cities meeting held in Salt Lake City, Utah where he was nominated to the National Board of the National League of Cities. He won and thanked everyone for appointing him.

There being no further business to come before the Commission, the meeting was adjourned at 8:50 p.m.

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Jim Naugle  
Mayor

ATTEST:

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Lucy Kisela  
City Clerk